



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: FIEDOTIN et at.

Confirmation No.:

Serial No.: 09/487,932

Art Unit: 3626

Filed: January 20, 2000

Examiner: Kalinowski, Alexander

For: METHOD AND SYSTEM FOR  
PROVIDING CURRENT  
INDUSTRY SPECIFIC DATA TO  
PHYSICIANS

Attorney Docket No: 10160-007-999

#9/4 Affidavit's  
RECEIVED  
MAR 28 2003  
GROUP 3600  
04/01/03

DECLARATION OF DION M. BREGMAN  
UNDER 37 C.F.R. § 1.131

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Dion M. Bregman, hereby declare the following to be true:

1. Currently, I am a patent attorney employed by Pennie & Edmonds LLP and registered to practice before the United States Patent and Trademark Office.

2. I met with Dr. Richard Fiedotin on September 22, 1999, regarding the preparation of a patent application for the medical data distribution system of the above-identified application.

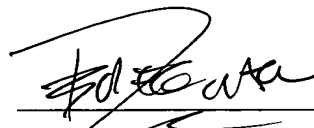
3. Attorney diligence from September 22, 1999 to the constructive reduction to practice by filing of the above-identified patent application on January 20, 2000, is evidenced by Exhibit A, annexed hereto.

4. Exhibit A is a record made by personnel at Pennie & Edmonds LLP of the time entries for work done in preparing and filing the captioned application. My time

entries extend from September 1, 1999 to January 31, 2000. As can be seen from this Exhibit, I met with Dr. Richard Fiedotin on September 22, 1999. At this meeting Dr. Fiedotin disclosed the invention with me. From September 22, 1999 to January 20, 2000, I diligently engaged in preparing the patent application. Specifically, I reviewed the inventors' disclosure on October 4, 1999 and began drafting the patent application on October 5, 1999. Several other attorneys assisted in reviewing the above-identified patent application including Andrew J. Gray (Reg. No. 41,796), William Galliani (Reg. No. 33,885), and Frank Morris (Reg. No. 24,615). A draft of the application for the above-identified patent application was sent to Dr. Richard Fiedotin in late December, 1999. The inventors' comments and suggestions were thereafter incorporated into the application on January 7, 2000. Further changes were made to the claims and a telephone conference with Richard Fiedotin was conducted on January 17, 2000, in preparation for filing of the patent application.

5. The above-identified patent application was filed on January 20, 2000, with the United States Patent and Trademark Office, thereby establishing constructive reduction to practice.

Date: March 21, 2003

  
Dion M. Bregman

45,645

# EXHIBIT A

EPOCRATES, INC.

Date	Tkpr	TKPR Name	Client	Matter Bl	Hrs	Narrative
9/16/1999	613	Bregman, Dion M	10160	0002-999	0.71	Review current state of "Business Model" patents.
9/17/1999	613	Bregman, Dion M	10160	0002-999	1.95	Review current state of "Business Model" patents.
9/22/1999	613	Bregman, Dion M	10160	0002-999	2.63	Review current state of "Business Model" patents; meeting with Richard Fiedotin.
9/22/1999	753	Gray, Andrew J	10160	0002-999	1	Conference with Richard Fiedotin, Brett Lovejoy and Dion Bregman regarding patent and copyright protection for business.
9/28/1999	613	Bregman, Dion M	10160	0002-999	0.71	Review meeting notes; draft claims.
10/1/1999	753	Gray, Andrew J	10160	0002-999	4.5	Conference with Richard Fiedotin, Dion Bregman regarding disclosure of nCircle inventions for preparation of new patent application.
10/1/1999	613	Bregman, Dion M	10160	0002-999	3.2	Meeting with client.
10/4/1999	613	Bregman, Dion M	10160	0002-999	4.09	Review disclosure.
10/5/1999	613	Bregman, Dion M	10160	0002-999	6.58	Draft claims.
10/6/1999	613	Bregman, Dion M	10160	0002-999	3.2	Review AvantGo and Puma websites; draft claims.
10/14/1999	613	Bregman, Dion M	10160	0002-999	4.98	Draft specification and claims.
10/15/1999	613	Bregman, Dion M	10160	0002-999	4.27	Draft claims and background; draft figures.

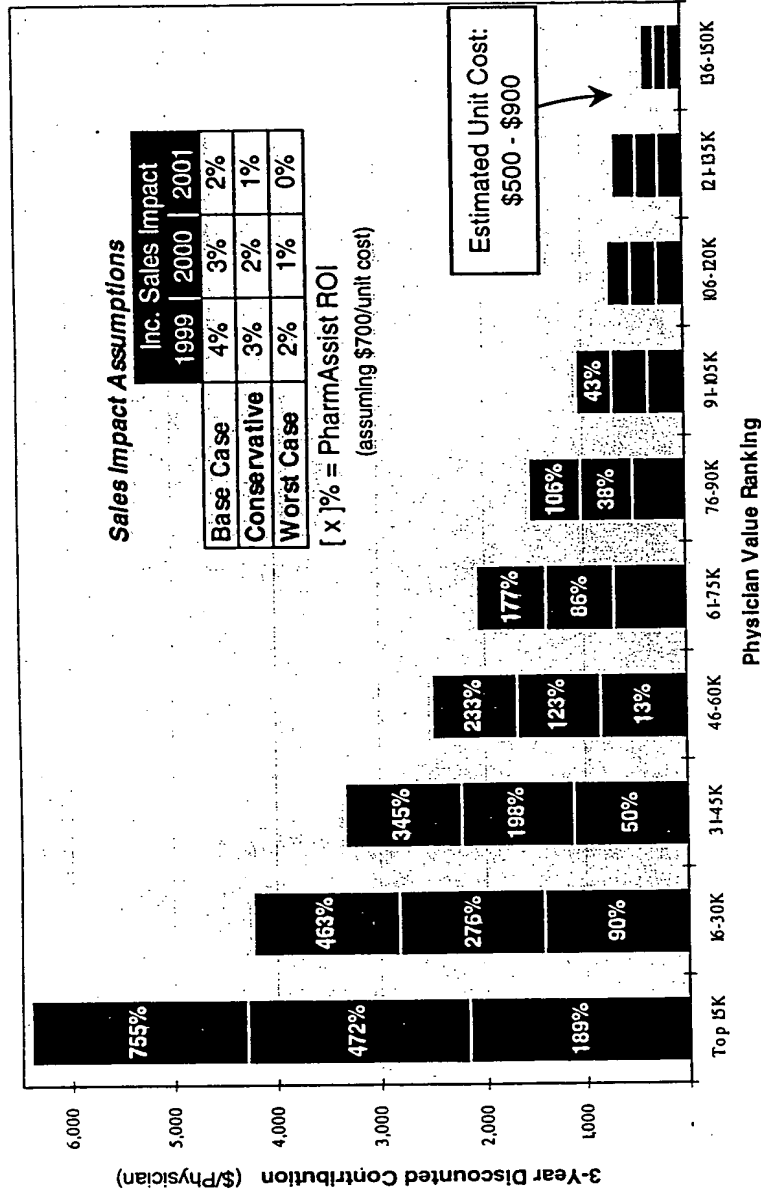
10/18/1999	613	Bregman, Dion M	10160 0002-999	4.27	Draft specification, drawings and claims.
10/19/1999	613	Bregman, Dion M	10160 0002-999	5.33	Draft specification and claims.
10/20/1999	613	Bregman, Dion M	10160 0002-999	5.33	Draft specification and claims.
10/21/1999	613	Bregman, Dion M	10160 0002-999	1.06	Review meeting transcripts.
10/25/1999	613	Bregman, Dion M	10160 0002-999	5.69	Draft specification.
10/26/1999	613	Bregman, Dion M	10160 0002-999	4.98	Draft specification.
10/29/1999	613	Bregman, Dion M	10160 0002-999	1.06	Draft specification and claims.
10/29/1999	585	Lovejoy, Brett	10160 0002-999	1.5	Reviewed patent application; made suggestions to Dion re same.
11/5/1999	613	Bregman, Dion M	10160 0002-999	2.84	Drafting specification.
11/8/1999	613	Bregman, Dion M	10160 0002-999	4.62	Drafting specification.
11/8/1999	953	Menze, Carrie L	10160 0002-999	5	Word Processing Overtime
11/9/1999	613	Bregman, Dion M	10160 0002-999	2.13	Drafting specification and claims.
11/9/1999	360	Bone, Richard	10160 0002-999	0.4	Discussed computer program structure with Mr. Bregman.
11/10/1999	585	Lovejoy, Brett	10160 0002-999	0.75	Reviewed Patent Application.
11/10/1999	613	Bregman, Dion M	10160 0002-999	2.49	Drafting specification and claims.
11/11/1999	613	Bregman, Dion M	10160 0002-999	1.24	Drafting specification and claims.
11/12/1999	360	Bone, Richard	10160 0002-999	0.2	Advised Mr. Bregman on rudiments of pseudo-code.

11/28/1999	217	Morris, Frank E	10160 0002-999	3.5	Review and revision of application.
11/30/1999	217	Morris, Frank E	10160 0002-999	0.5	Review and revision of application.
11/30/1999	613	Bregman, Dion M	10160 0002-999	0.35	Reviewing specification and drafting changes in response to Frank Morris' comments.
12/1/1999	613	Bregman, Dion M	10160 0002-999	0.35	Review draft specification.
12/1/1999	613	Bregman, Dion M	10160 0002-999	0.35	Conference with Frank Morris to discuss specification.
12/2/1999	613	Bregman, Dion M	10160 0002-999	4.44	Revise claims.
12/2/1999	753	Gray, Andrew J	10160 0002-999	0.5	Review draft patent application and discuss with Dion Bregman and Frank Morris.
1/4/2000	613	Bregman, Dion M	10160 0002-999	2.5	Prepare for telephone conference with R. Fiedotin; review file; telephone conference with R. Fiedotin.
1/5/2000	613	Bregman, Dion M	10160 0002-999	4.75	Revise specification.
1/7/2000	613	Bregman, Dion M	10160 0002-999	5.25	Revise specification to incorporate suggestions of R. Fiedotin; discuss claims with William Galliani.
1/7/2000	278	Galliani, William S	10160 0002-999	1	Draft claims.
1/10/2000	278	Galliani, William S	10160 0002-999	0.75	Revise, draft claims; revise figures.
1/10/2000	753	Gray, Andrew J	10160 0002-999	0.5	Review claims of U.S. Patent Nos. 5,845,255 and 5,737,539; conference with Dion Bregman regarding review of patents.
1/10/2000	613	Bregman, Dion M	10160 0002-999	3.75	Review and revise claims.
1/11/2000	613	Bregman, Dion M	10160 0002-999	1	Review U.S. Patent No. 5,737,539.

1/14/2000	613	Bregman, Dion M	10160 0002-999	3.5	Review art patents; discuss with Andrew Gray.
1/14/2000	753	Gray, Andrew J	10160 0002-999	0.4	Conference with Dion Bregman regarding AHT patents; correspondence with Dion Bregman regarding analysis of AHT patents.
1/17/2000	613	Bregman, Dion M	10160 0002-999	2.75	Telephone conference with R. Fiedotin; make final revisions to specification prior to filing; telephone conference with Andrew Gray and R. Fiedotin regarding possible new application.
1/17/2000	753	Gray, Andrew J	10160 0002-999	1	Telephone conference with Richard Fredotin and Dion Bregman regarding status of various pending intellectual property matters and assistance with entry into electronic prescription market space.
1/18/2000	613	Bregman, Dion M	10160 0002-999	1	E-mail to client; initiate search; request file histories.
1/20/2000	753	Gray, Andrew J	10160 0002-999	0.15	Review Dion Bregman correspondence with Dr. Fredotin regarding transmittal of new patent application as filed.
1/31/2000	753	Gray, Andrew J	10160 0002-999	0.25	Correspondence with Dion Bregman regarding scope of search for electronic prescription patents and discuss with Dion Bregman.
				125.25	



# PharmAssist ROI



Even with conservative assumptions, PharmAssist generates Pfizer profits of at least \$1,000 per unit for the top 50,000+ physicians.

Notes: Contribution represents the 3-Yr incremental profit derived from PharmAssist program incremental sales. Conservatively assumes 80% incremental profit margin on sales and a 12% discount rate on future year profits. Includes only major promoted products (as listed on previous page) excluding Viagra, Aricept, and Zyrtec. Conservatively assumes that 30% of Lipitor sales and profits are credited to Pfizer. Sales forecasts are based on Morgan Stanley Dean Witter estimates as of 7/12/98. Supporting data tables provided in Appendix A.



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# Partnering with nCircle

## *nCircle Competency*

*Outsourced  
to nCircle*

PDA Software Coding

Software Design

Content Licensing

OEM Partnering

Online Content Partnering

Website Development

Technical Support

Sales Rep Training

Packaging

On-Screen Marketing Design

FDA Regulatory Approval

MCO Partnering/Sales

Distribution

*Pfizer  
In-House*

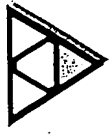
*Pfizer Competency*



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## Next Steps



## Economic Model: Sales Forecasts

Product	Sales Forecasts (\$MM)		
	1999	2000	2001
Norvasc	1,390	1,571	1,728
PXL	512	384	288
GXL	218	224	231
Lipitor <sup>2</sup>	683	921	1,133
Zithromax	903	1,129	1,355
Cardura	366	275	165
Diflucan	420	420	420
Zoloft	1,554	1,678	1,762
<b>Total</b>	<b>6,046</b>	<b>6,602</b>	<b>7,082</b>

Notes: Sales forecasts are based on MorganStanley Dean Witter estimates as of 7/12/98.



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## Economic Model: Value of Top Physicians

Product	Physician Ranking Based on Value to Pfizer <sup>1</sup>										Total (A-J)
	A	B	C	D	E	F	G	H	I	J	
Norvasc	30%	18%	14%	9%	9%	5%	2%	2%	1%	1%	92%
PXL	30%	18%	14%	9%	9%	5%	2%	2%	1%	1%	92%
GXL	26%	19%	14%	7%	7%	7%	5%	3%	3%	2%	92%
Lipitor <sup>2</sup>	28%	17%	13%	7%	6%	6%	5%	3%	2%	1%	89%
Zithromax	16%	15%	11%	12%	7%	7%	7%	5%	5%	3%	88%
Cardura	18%	12%	9%	9%	9%	5%	5%	2%	4%	2%	76%
Diflucan	22%	19%	6%	5%	6%	5%	3%	2%	3%	2%	71%
Zoloft	14%	8%	10%	8%	5%	4%	3%	3%	1%	1%	56%
Total <sup>3</sup>	22%	15%	12%	9%	7%	5%	4%	3%	2%	1%	79%

Roughly 15,000 physicians account for over 20% of Pfizer's total dollar business. The top 150,000 represent nearly 80%.

<sup>1</sup>Based on dollarized IMS Market data as of 12/95. Includes only major promoted products (as listed) excluding Viagra, Aricept, and Zyrtec.

<sup>2</sup>Assumes that 30% of sales are credited to Pfizer.

<sup>3</sup>Totals based on dollarized values and therefore are most affected by the largest products.



## Economic Model: Future Value of Physicians

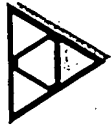
Product	1999 Average \$ Value per Physician									
	A	B	C	D	E	F	G	H	I	J
Norvasc	28,596	17,196	13,524	8,529	8,671	5,107	1,757	1,534	1,319	629
PXL	10,533	6,334	4,981	3,142	3,194	1,881	647	565	486	232
GXL	3,883	2,824	2,003	1,042	1,034	984	767	409	407	277
Lipitor <sup>2</sup>	13,055	7,952	6,023	3,180	2,912	2,869	2,334	1,184	1,118	625
Zithromax	9,755	9,135	6,518	7,312	4,590	4,118	4,182	3,159	3,118	1,845
Cardura	4,490	3,080	2,306	2,181	2,191	1,319	1,242	416	1,118	609
Diflucan	6,322	5,393	1,825	1,362	1,581	1,305	715	558	811	518
Zolof <sup>2</sup>	14,614	7,940	10,111	8,670	5,576	4,258	3,296	2,653	1,341	729
<b>1999 Total</b>	<b>91,248</b>	<b>59,853</b>	<b>47,292</b>	<b>35,419</b>	<b>29,750</b>	<b>21,840</b>	<b>14,940</b>	<b>10,478</b>	<b>9,719</b>	<b>5,463</b>
<b>2000 Total</b>	<b>99,505</b>	<b>65,509</b>	<b>51,825</b>	<b>38,857</b>	<b>32,170</b>	<b>24,103</b>	<b>16,842</b>	<b>11,859</b>	<b>10,779</b>	<b>6,081</b>
<b>2001 Total</b>	<b>106,824</b>	<b>70,629</b>	<b>55,850</b>	<b>41,904</b>	<b>34,287</b>	<b>26,119</b>	<b>18,524</b>	<b>13,119</b>	<b>11,716</b>	<b>6,631</b>
<b>3-Yr Total</b>	<b>297,577</b>	<b>195,991</b>	<b>154,967</b>	<b>116,180</b>	<b>96,207</b>	<b>72,062</b>	<b>50,306</b>	<b>35,455</b>	<b>32,214</b>	<b>18,175</b>

Based on current sales projections, the top 15,000 Physicians will be worth nearly \$300,000 apiece in Pfizer sales over the next 3 years.

Notes: Includes only major promoted products (as listed) excluding Viagra, Aricept, and Zyrtec. Conservatively assumes that 30% of Lipitor sales and profits are credited to Pfizer. Sales forecasts are based on MorganStanley Dean Witter estimates as of 7/12/98.



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## Economic Model: PharmAssist ROI

PharmAssist Return on Investment per Physician (assuming 3% sales impact in 1999, 2% in 2000, and 1% in 2001)

Physician Ranking	A	B	C	D	E	F	G	H	I	J
1999 Inc. Sales	2,737	1,796	1,419	1,063	892	655	448	314	292	164
2000 Inc. Sales	1,990	1,310	1,036	777	643	482	337	237	216	122
2001 Inc. Sales	1,068	706	558	419	343	261	185	131	117	66
3-Yr Inc. Sales	5,796	3,812	3,014	2,259	1,879	1,398	970	683	624	352
1-Yr Contribution	2,190	1,436	1,135	850	714	524	359	251	233	131
3-Yr Disc. Cont.	4,293	2,823	2,232	1,672	1,392	1,035	717	505	462	260
Implied 3-Yr ROI	560%	334%	243%	157%	114%	59%	10%	-22%	-29%	-60%
Breakeven 3-Yr Impact	0.3%	0.4%	0.5%	0.7%	0.8%	1.1%	1.6%	2.3%	2.5%	4.5%

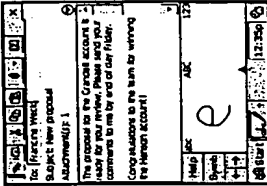
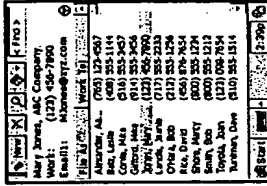
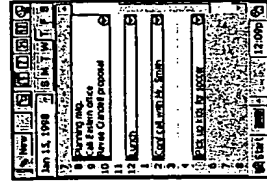
Even with conservative assumptions, PharmAssist generates a ROI of greater than 150% for the top 50,000+ physicians.

Notes: Contribution represents the 3-Yr incremental profit derived from PharmAssist program incremental sales. Conservatively assumes 80% incremental profit margin on sales and a 12% discount rate on future year profits. Includes only major promoted products (as listed on previous page) excluding Viagra, Aricept, and Zyrtec. Conservatively assumes that 30% of Lipitor sales and profits are credited to Pfizer. Sales forecasts are based on MorganStanley Dean Witter estimates as of 7/12/98.

# Overview of Off-the-Shelf Features

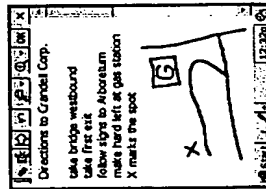
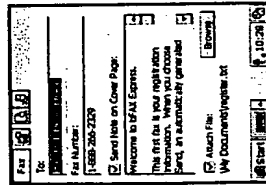
## ■ Personal Productivity Software

- Day Planner with Meeting Alarm/Reminder
- Task Lists
- E-mail
- Contact Manager



## ■ Communications

- Digital Voice Recording
- Voice activation
- Built-in modem for remote access
- Synchronize with Desktop PC
- Pager / FAX



## ■ Other Applications/Features

- Built-in battery recharger
- Web browsing
- Word processing
- Games

